# THE OBSERVATOR.

*Remarks on* 13 Car. II. *Cap.* 6. *Of the Arch Duke* Charles, *being Proclaimed King of* Spain *at* Vienna. *Of the Emperours denying Audience to the Popes Nuncio for being absent at that Ceremony. Of the Advantage of the* Portugal *and* Spanish *Trade to the* English *Nation in time of War.*

From Saturday September the 25th, to Wednesday September the 29th, 1703.

*Country m.* MAster *Observator*, I thank you for your last Discourse. But at the same time must entreat the Favour of you to clear the main Rub which lies in your way, That is the Statute of 13 *Car.* II. *Chap* 6. which our Adversaries quote against you in these Words, *That the Sole Supream Government, Command, and the Disposition of the Militia, and of all Forces by Sea and Land, and of all Forts and Places of Strength, is, and by the Laws of* England, *ever was the Undoubted Right of His Majesty and his Royal Predecessors; and that both, or either of the House of Parliament, cannot, or ought to pretend to the same, nor can, nor Lawfully may Raise, or Levy any War, Offensive or Defensive, against his Majesty his Heirs, and Lawful Successors.*

*Obs.* I have already told you how the *Militia* and *Posse* of the Kingdom was disposed and Commanded in the Days of our Ancestors; some Parliaments by their Proceedings have procured to themselves divers Appellations; as the Parliament at *Oxford*, 42 *Henry* III. was called *Insanum Parliamentum*: The *Mad Parliament*, 14 *Henry* VIII. The *Black Parliament*. 6 of *Henry* IV. *Parliamentum Indoctum*, the *Unlearned* or *Unskillful Parliament*. On the contrary the Parliament of 5 *Edward* III. was called *Parliamentum Bonum*, the *Good Parliament*. 10 *Richard* II. *Parliamentum quod fecit Mirabilia*, the *Parliament that work'd Wonders*. 21 *Jac.* I. *Fœlix Parliamentum*, the *Happy Parliament*, &c. The Reasons of most of these Appellations do appear upon Record. *Cokes* 3 Institut. 2. And I think there is no room to doubt of a *Pensionary Parliament* in K. *Charles* the Second's Reign, since we know, that when the Commons took that thing into Consideration and Examination: A certain Person, yet living, could by his Memory (without the Books, which for some Reasons were refused to be brought in) Name about Thirty of them, and the Respective Sums paid to each. *And*, says one on this Head, *would not many more have been Discover'd, and the whole Knot of them severely and exemplarily Punish'd if that Parliament had a little longer continued*? When a Parliament is *Chosen* by the People, and *Brib'd* by the Court with *Pensions*, or *Places*, We need not much wonder if they give away the Priviledges, and Free Birth-Rights of the People they Represent.

Let us in this Place a little consider how far Acts Destructive of the Common and Natural Rights of Mankind, are binding upon the People. In many Cases the Common Law doth Comptrole Acts of Parliament, and sometimes shall adjudge them void: For when an Act of Parliament is against common Right and Reason, or Repugnant to it, and impossible to be performed, the common Law shall adjudge it void; for which see *Cokes* 8 Rep. 118. Doctor *Bonhams* Case; and 128, 129, The Case of the City of *London*. It cannot be intended that a Statute made by the Authority of the whole Realm, should do any thing against Truth; *Coke* 11. *Rep.* 14. *Priddle* and *Napper*'s Case.

Let us further consider this Act of 13. *Car.* 2. From Reasons drawn from Occurences within Memory, as being more Cogent and Perswasive on Men of this Age. When I was a Boy at School in the Town of *Pool*, in the County of *Dorset*, in that very Reign, I remember we had an Account of the Landing of some *French* Forces in the Isle of *Purbeck* near that Place; and tho' that Alarm was altogether Groundless, it appearing to be at best but an Apparition of some Forces on those Hills, and this hardly Credited by the Wiser sort of People, yet the Rumour ran so far, that in 48 Hours the adjacent Counties were got in Arms, and Marching to the Sea-side, in Numbers amounting to above 100 Thousand Men: And this they did without any *Royal Mandate*, or Commission from above: And indeed in Case of an Invasion this Act of 13. *Car.* 2. is impracticable, and not to be performed; for as it is the Interest of an Invader to avoid Fighting till such time as the *Male-Contents* can join him, so it is the Interest of the Invaded to Fight at any Disadvantages, knowing that the Numerous *Posse* of the Kingdom may be Reconciled at Pleasure; and our Fore-fathers had no other Notions of the *Militia* and *Posse Regni*, than that they were the Native Strength of the Kingdom, to be employ'd in the Defence of the King and Realm.

And suppose a King of *England* should Invade his own Dominions with an Armed Force of Foreigners, as did King *John* with an Army of 40 Thousand Scoundrel *Poitovins*, which he had gathered together out of *Poitou*, *Gascony*, *Lovain*, *Brabant*, *Flanders*, and other Places, besides as many more before lost in a Storm betwixt *Calais* and *Dover*, with their General *Hugh de Boves*: *Which Act of King* John's, says the Learned Author I mentioned the last time we met, *was enough to justifie the Expulsion of a whole Race of* Tarquins. I say, when a Nation is brought under such Circumstances, whose is then the *Militia*? Is the Native Strength of the Kingdom then to sit still, and suffer their Throats to be cut by an *Outlandish Scum*? This is *Passive-Obedience* and *Non-Resistance* in the very Abstract.

Let us examine farther how far we thought our selves Bound by this Act 13 *Car* II. upon the Revolution: The *Proceres Regni*, the Chiefs of the Kingdom, for themselves and the People, did *Invite* over the Prince of *Orange*, our late Glorious Deliverer to assist us in the Recovery of our Rights, and to bring our King to Reason. Did they not without any Authority or Regal Mandate, Assemble themselves in the *Guildhall* of the City of *London*, and then, and there, by Unanimous Consent, send their Deputies to *Invite* the said Prince of *Orange* to *London*, the Metropolis of the Kingdom? Did they not seize on the Tower of *London*, the Arsenal of the Kingdom, and appoint its Governour by their own Authority? And was not

*Sancroft*

*Sancroft*, Arch Bishop of *Canterbury*, the chief in this Action, tho' afterwards the Head of the *Nonjuring* Clergy?

And after this, was not the Representative Body of the Kingdom Assembled at *Westminster*, by Vertue of the Circular Letters of the Prince of *Orange*? And did they not Then, and There Declare the Throne Vacant, and Vest the Prince and Princess of *Orange* with the Regal Dignity, and Settle the Succession of the Crown on the Princess *ANN* of *Denmark*, now our Gracious Soveraign, according to that Act of Settlement? And in all these Proceedings where was the Doctrines of *Passive Obedience*, and *Non-Resistance*?

Now Honest *Country man*, I hope I have told you enough of the *Principles* of the *Revolution*, and of the *Constitution* of *England*, to furnish you with Arguments against the *Principles* of *Arbitrary Men*. And you may remember that with much Difficulty I have been engaged in Discourses of this Nature; and that what I have said has been extorted from me by the *Virulent Pamphlets* that have been Written against the Queens Right, and the Liberties of *Englishmen*. And tho' I have been *Misrepresented* to the Queen, I never yet had the least ill thought of Her Majesty; and as I have ventured my Life to bring Her to the Throne, I shall do the same to keep her in it, against all Pretenders whatsoever. I pray God keep such from her Royal Presence, as shall endeavour to screen her worst Enemies from Justice, and keep the Services of Her best Friends from her knowledge: Honest *Country man*, here's her Majesties good Health, with all my Heart.

*Country-m.* With all my Spirit; and then the whole House of *Hanover* in a Bumper. And since we are got into the Humour of Drinking Healths; I'll Toast a New Health you never Drank yet.

*Obs.* Prithee what's that?

*Country m.* I learnt it at a Tavern in *London* t'other Day, among some First-Rate *Englishmen*, who love my Queen and her Allies: But I'll tell you, Master *Observator*, you shan't know this Health, unless we have t'other Bottle, I don't care if it be a Bottle of Devils Piss, I'll Drink it on this occasion.

*Obs.* You know I am not for Drinking much; one Fillip is enough to give Nature at one time; what will the *Jacobites* say if they should hear the *Observator* and his *Country man* were got Drunk together with Drinking Loyal Healths? *'Tis better for some Folk to Steal a Horse than for others to look over the Hedge.*

*Country m.* I don't care a Farthing for all the *Knaves* and *Fools* in *England*. I hate 'em Mortally, and Positively I'll have t'other Bottle to Drink a good Health to *Charles* III. K. of *Spain*.

*Obs.* Now thou hast drawn me in, I fancy thou hast heard some good News from that Quarter; prithee open the Budget.

*Country-m.* Yes, indeed, have I such News from that Quarter, will make all the *Jacobites* and *High flyers* Hearts Ake. The Arch Duke *Charles*, after he had been declared King of *Spain*, set out the 9th of *September* for *Holland*, and Rode Post, so that 'tis hop'd he is at this present time at the *Hague*, and the *Dutch* Squadron is ready to Convoy him over. There's no Danger in coming over, is there, Master *Observator*? I would not have the *French* Friggots Intercept him for the whole World. But if there be an Engagement, if he does come over in my *Country-mans* Ship, I'll engage he'll be safe enough. There's another good Stroke from *Vienna*, The Emperour will not give [illegible] dience to the Popes *Nuncio*, because he was [illegible] at the Proclaming of King *Charles* the Th[illegible] The Emperour is Angry already; and I [illegible] the Pope will be Angry at this News, and [illegible] ercise a Holy Sawciness towards Crow[illegible] Heads, as some of his Predecessors have do[illegible] till such time as they have shook off their Alle[illegible] ance to the See of *Rome*. Me[illegible] hinks I long have Collonel *Paul Diack*, with his *Hussars*, ta[illegible] one Slap at his Holinesses A——. This wou[illegible] be one way to try the Infallibility of the Dep[illegible] *Vicegerent*. I would spend a whole Cow towar[illegible] such an Enterprize; for then we should kno[illegible] whether their Holy-Father does own the D[illegible] ctrines of *Passive-Obedience* and *Non-Resistanc*[illegible] with his Children in *England*. You know he's Spiritual Prince, *Prayers and Tears are the Weapons of the Church*, and I would fain know wha[illegible] Defence those Weapons are against Great Guns Muskets, Carabines, Pistols, Swords, Daggers Bombs and Hand-Granadoes,

*Obs.* The Prayers of the Faithful have proved very Beneficial, and have often procured a Blessing on Arms of War: But you'll find the Pope a Temporal Prince; if ever he's Attack'd he'll use his *Muster-Roll*, instead of his *Mass-Book*, and *Bullets* instead of *Ave-Marys*. He is not half so much a Papist as his Children in *England*.

———But this is Brave News thou tellest me of his *Catholick* Majesty, *Charles* III. I long to have him safe Landed at *Portugal*; and I can foresee no Danger in his Voyage thither I hope we have some upon the Watch. All the Eyes of *Europe* are upon this Expedition, it having the most Favourable Aspect of Success, not only from the *Justice* of the Cause, but from the good Disposition of the Affair, and the Vigorous and ready Preparations of the Powers concerned in that Management. Our Gracious Queen has added 2000 Men to her *Complement* more than was at first intended, and I hope our Parliament will add Ten times as many more if occasion requires. We must by no means be backward in the payment of Taxes on such *Importunate* occasions, the happy Issue of which will be so Advantagious to the *Common-Cause*, to the Realm of *England* in general, and to its Trade in particular. Our Merchants have already found the Sweets of Trade with *Portugal*, so happily secured to them by the *Wise* and *Prudent* Conduct of Her Majesty in a Season of War, when the Wine Trade of *Europe* was lost to the *English*: Our Vintners might e're this have pull'd down their Bushes, and put up Lettices in their Room, and our Wine Merchants might have turned Brewers, to supply them with the Juice of Barley, instead of that of the Grape, had not the Trade of *Portugal* been so seasonably secured to them.

And will not the Trade of *Spain* be yet a greater Advantage to us, when by the Blessing of God on our Arms, we shall put his Catholick Majesty into the Possession of his Kingdoms, and the Dominions and Territories thereunto belonging? We never yet in my Time had a fairer Prospect of a profitable Comerce, and therefore let us not be backward in assisting Her Majesty with Supplies to finish what She has so happily begun for the good of this Kingdom. And I can prove by Infallible Demonstration, That *England* can never be made Poor but by an Interruption of its Trade, which has always render'd our Government Weak by slack'ning the Sinews of War. —— But 'tis late and we must be gone.

WHereas some Person or Persons (not being sworn as Brokers) have bought and sold Whalebone and other Commodities, notwithstanding the late Act of Parliament to the contrary, which said unwarrantable Practice may be a Dammage not only to themselves, but to the Persons by whom they are so imploy'd, as by the said late Act doth more fully and plainly appear. These are therefore to give Notice, That *John Rodrigues Faro*, a Sworn Broker, who is very well Acquainted with the Buying and Selling Merchandize, &c. particularly that of Whalebone, having made it his Business for 30 Years in *Holland*, and above 9 Years in *England*, still continueth to do the same accordingly. At his Lodging he is to be Spoken with, being at Mr *Perkins*'s, at the Barbers Pole the lower-end of *Walbrook*, near *Stocks-Market*, till Nine of the Clock in the Morning, on the *Exchange* in *Exchange* time, or at any of the Coffee-Houses in *Exchange-Alley* any other time of the Day.

*London*, Printed by *J. How*, at the *Seven Stars*, in *Talbot-Court*, in *Grace-Church-Street*; and Sold by *B. Bragg* at the *Blew-Ball* in *Avemary-Lane*, 1703.